



PATENT  
Customer No. 22,852  
Attorney Docket No. 7883.0097-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Katherine S. TWEDEN et al. ) Group Art Unit: 3738  
Application No.: 10/639,614 ) Examiner: Unknown  
Filed: August 11, 2003 )  
For: HEALING TRANSMYOCARDIAL ) Confirmation No. 5399  
IMPLANT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The documents listed on pages 1-2 of the Form PTO/SB/08 were previously considered in prior applications, Application No. 10/095,165, filed March 8, 2002, and Application No. 09/141,284, filed August 27, 1998, upon both of which Applicants rely for the benefits provided in 35 U.S.C. § 120. Copies of the foreign and non-patent literature documents listed on pages 3-12 of the Form PTO/SB/08 are attached. Applicants respectfully request that the Examiner consider the listed documents and

indicate that they were considered by making appropriate notations on the attached Form PTO/SB/08.

Regarding the non-English language documents:

WO 96/32972 - An English language Abstract is submitted herewith. Moreover, U.S. Patent No. 6,458,323 B1 and U.S. Patent Application Publication No. 2003/0044315 A1 are believed to be English language counterpart applications of WO 96/32972.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 12, 2005

By:   
Michael W. Kim  
Reg. No. 51,880

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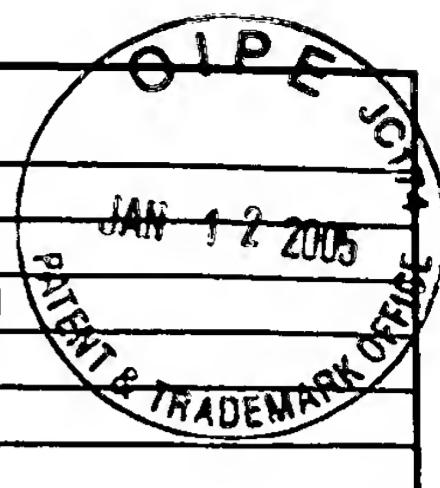
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Filing Date	August 11, 2003
First Named Inventor	Katherine S. TWEDEN
Art Unit	3738
Examiner Name	Unknown



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Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

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## NON PATENT LITERATURE DOCUMENTS

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Application Number 10/639,614

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First Named Inventor Katherine S. TWEDEN

Art Unit 3738

Examiner Name Unknown

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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
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		Number-Kind Code <sup>8</sup> (if known)			
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Examiner Initials	Cite No. <sup>9</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>12</sup>
		Country Code <sup>10</sup> Number <sup>11</sup> Kind Code <sup>11</sup> (if known)				
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**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

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<i>Filing Date</i>				August 11, 2003	
<i>First Named Inventor</i>				Katherine S. TWEDEN	
<i>Art Unit</i>				3738	
<i>Examiner Name</i>				Unknown	
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Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
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